

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION
3 PUBLIC UTILITY REGULAR OPEN MEETING
4
5
6 Chicago, Illinois
7 March 15, 2011
8 Met, pursuant to notice, at 10:30 a.m.
9
10 BEFORE:
11 MR. DOUGLAS P. SCOTT, Acting Chairman
 (telephonically)
12 MS. LULA M. FORD, Commissioner
13 MS. ERIN M. O'CONNELL-DIAZ, Commissioner
14 MR. SHERMAN J. ELLIOTT, Commissioner
 (via videoconference)
15 MR. JOHN T. COLGAN, Acting Commissioner
16 (via videoconference)
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19
20
21 SULLIVAN REPORTING COMPANY, by
 Auhdikiam Carney, CSR
22 License No. 084-004658

1 COMMISSIONER FORD: Is everything ready in
2 Springfield?

3 ACTING COMMISSIONER COLGAN: I believe so.

4 COMMISSIONER FORD: Pursuant to the provisions
5 of the Illinois Open Meetings Act, I now convene a
6 Regular Open Meeting of the Illinois Commerce
7 Commission. With me in Chicago is Commissioner
8 O'Connell-Diaz. With us in Springfield are
9 Commissioner Elliott and Acting Commissioner Colgan.
10 I am Commissioner Ford.

11 We have a quorum.

12 Chairman Scott is available to
13 participate by telephone today. Per Commission
14 rules, we must vote to allow Chairman Scott to
15 participate by phone.

16 I will make a motion to allow Chairman
17 Scott to participate by phone.

18 Is there a second?

19 COMMISSIONER O'CONNELL-DIAZ: Second.

20 COMMISSIONER FORD: Its been moved and
21 seconded.

22 All in favor say "aye."

1 (Chorus of ayes.)

2 Any opposed?

3 (No response.)

4 Chairman Scott, you are now available.

5 ACTING CHAIRMAN SCOTT: Thank you very much.

6 COMMISSIONER FORD: The vote is 4-0 and we will

7 now allow Chairman Scott to participate by phone in

8 today's Bench session.

9 Before moving into the agenda,

10 according to Part 1700.10 of the Illinois

11 Administrative Code, this is the time we allow the

12 members of the public to address the Commission.

13 Members of the public wishing to address the

14 Commission must notify the Chief Clerk's Office at

15 least 24 hours prior to the Commission meeting.

16 According to the Chief Clerk's Office we have no

17 requests to speak at today's open meeting.

18 Moving into today's agenda, Item 1 is

19 Docket 10-0517. This is a Petition by Central

20 Illinois Light Company, Central Illinois Public

21 Service Company, and Illinois Power Company seeking

22 approval of certain modifications to the manner in

1 which it records and maintains various accounting
2 data. ALJ Albers recommends granting the Petition in
3 part and denying the Petition in part. There is some
4 discussion on this matter.

5 Commissioner O'Connell-Diaz.

6 COMMISSIONER O'CONNELL-DIAZ: Thank you,
7 Commission Ford. In conjunction with Commissioner
8 Ford's office and my office, we have circulated among
9 the Commissioners some language changes for the
10 Order. It does not change the outcome of the Order,
11 however, it recognizes the fact that the company at
12 this point in time due to the overlap of this matter
13 and a rate case that was filed within the last I
14 think two week, two and a half weeks, that we're
15 cognisant of the fact that they have filed that. And
16 what we do in the language changes reflect that and
17 require the company to provide the historical planned
18 investment and letting the utility information in the
19 Part 285 process that is ongoing at this point in
20 time in the rate case.

21 This was Staff's original proposal and
22 was adopted by the ALJ and in his proposed Order to

1 us and we believe that that's an appropriate manner in
2 which we will have before us those parts of the many
3 utilities that are now merged into the three
4 utilities now that are pursuant to the merger.

5 So I believe its been circulated among
6 the Commissioners and would be looked for support for
7 this language. I think it goes to judicial economy
8 for us to have everything before us as we launch onto
9 this other rate proceeding. Thank you.

10 COMMISSIONER FORD: Thank you.

11 Commission O'Connell-Diaz has moved to
12 amend the Order. I will second it.

13 Its been moved and seconded.

14 All in favor say "aye."

15 (Chorus of ayes.)

16 Any opposed?

17 (No response.)

18 John, did you want to say something?

19 ACTING COMMISSIONER COLGAN: Just that I've
20 been individually in discussion with both
21 Commissioner Ford and Commissioner O'Connell-Diaz,
22 not together. We've talked about this back and forth

1 for a couple of weeks now and I support the language
2 that is being proposed here.

3 COMMISSIONER FORD: Thank you.

4 Any opposed?

5 (No response.)

6 The vote is 4-0 amending the Order
7 with one abstention. The Chairman abstains.

8 Any further discussion?

9 (No response.)

10 Is there a motion to approve the Order
11 as amended?

12 ACTING COMMISSIONER COLGAN: So moved.

13 COMMISSIONER FORD: Is there a second?

14 COMMISSIONER O'CONNELL-DIAZ: Second.

15 COMMISSIONER FORD: Its been moved and
16 seconded.

17 All in favor say "aye."

18 (Chorus of ayes.)

19 Any opposed?

20 Chairman are you abstaining from this?

21 CHAIRMAN SCOTT: Yes, I do. Thank you.

22 COMMISSIONER FORD: The vote is 4-0 approving

1 the Order as amended with one abstention.

2 We will be holding Items 2 and 3 --

3 JUDGE HAYNES: Can I say something?

4 COMMISSIONER FORD: Okay.

5 JUDGE HAYNES: I went back and looked at my
6 memo and thought that perhaps I could have said more
7 and so I just wanted to say a couple things for the
8 Commissioners. The deadline that's contained in the
9 Order applies to the Commission's report about
10 energy, energy efficiency in general. It's not a
11 statutory deadline that applies to this docket in
12 particular. The parties don't think that there will
13 be any useful information from this docket for that
14 report, but if the Commission disagrees, then the
15 Order shouldn't be amended and the deadline should
16 stay in this docket.

17 And I'd also say that the parties
18 would prefer that -- and I -- that it not be held
19 even though you just said you were going to hold it
20 because if you decide to keep this docket on that
21 deadline, it will be really hard to meet if it's
22 held.

1 COMMISSIONER FORD: Who was holding Items 2 and
2 3?
3 COMMISSIONER O'CONNELL-DIAZ: Chairman.
4 COMMISSIONER FORD: Chairman, you were holding
5 Items 2 and 3?
6 ACTING CHAIRMAN SCOTT: Yes.
7 COMMISSIONER FORD: Did you hear what the judge
8 just said?
9 ACTING CHAIRMAN SCOTT: Yes, ma'am.
10 COMMISSIONER O'CONNELL-DIAZ: So what's your
11 pleasure?
12 ACTING CHAIRMAN SCOTT: Well, in that case we
13 can move forward with them.
14 COMMISSIONER FORD: Thank you.
15 So we'll go back to Item 2 Central
16 Illinois Lights investigating compliance with
17 efficiency standard requirement of Section 8-103 of
18 the public utilities.
19 Is there a motion to approve this
20 Amendatory Order?
21 COMMISSIONER O'CONNELL-DIAZ: Based upon what
22 the judge has just advised us that there is a very

1 tight time frame on this and if we don't act today on
2 it that we'll essentially throw a bomb into their
3 schedule. I think that's what Judge Haynes just told
4 us. I would think it would be prudent for us to act
5 in accordance with her recommendation on this which
6 is to enter the Amendatory Order which extends the
7 deadline for that proceeding.

8 COMMISSIONER FORD: Is there a second for this
9 motion?

10 ACTING COMMISSIONER COLGAN: I second.

11 COMMISSIONER FORD: All in favor say "aye."

12 (Chorus of ayes.)

13 Any opposed?

14 (No response.)

15 Did you vote, Chair?

16 ACTING CHAIRMAN SCOTT: Yes, I did. I voted
17 aye.

18 COMMISSIONER FORD: Thank you.

19 The vote is a 5-0 approving the Order
20 as amended.

21 So we'll go to Item 3 Docket

22 No. 10-0520.

1 Is there a motion to approve the Order
2 as amended?

3 COMMISSIONER O'CONNELL-DIAZ: So moved.

4 COMMISSIONER FORD: Is there a second?

5 ACTING COMMISSIONER COLGAN: Second.

6 COMMISSIONER FORD: Its been moved and
7 seconded.

8 All in favor say "aye."
9 (Chorus of ayes.)

10 Any opposed?

11 (No response.)

12 The vote is 5-0 approving the Order as
13 amended.

14 Item 4 is Docket No. 11-0080. This is
15 an application by Reliant Energy Northeast, LLC
16 requesting a certificate of service authority to
17 operate as an Alternative Retail Electric Supplier in
18 Illinois. ALJ Yoder recommends entering an Order
19 granting a certificate of the service authority.

20 Is there a motion to approve Order?

21 COMMISSIONER O'CONNELL-DIAZ: So moved.

22 COMMISSIONER FORD: Is there a second?

1 COMMISSIONER ELLIOTT: Second.

2 COMMISSIONER FORD: Its been moved and

3 seconded.

4 All in favor say "aye."

5 (Chorus of ayes.)

6 Any opposed?

7 (No response.)

8 The vote is 5-0 and the Order is

9 entered. We will use this 5-0 vote for the remainder

10 of today's Regular Open Meeting unless otherwise

11 noted.

12 Item 5 is Docket 09-0436 and 09-0437

13 consolidated. This is a petition by North Shore Gas

14 Company and Peoples Gas Light and Coke Company

15 initiating proceedings to determine the accuracy of

16 the Rider EEP reconciliation statement. ALJ Gilbert

17 recommends entering the Order approving the Rider EEP

18 filing with a minor disallowance for imprudence

19 associated with the preparation of the utility's

20 energy efficiency portfolio.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 Hearing none, the Order is entered.

3 Item 6 is Docket No. 11-0020. This is

4 an application by Cibolo Creek Ventures LLC for a

5 certificate of interexchange authority. ALJ Riley

6 recommends entering an Order granting the requested

7 authority.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Order is entered.

13 Item 7 concerns an Order by the

14 Commission on its own motion initiating a proceeding

15 to determine repayment liability and adopting the

16 repayment schedule for the subject qualified solid

17 waste energy facility. Staff recommends entering the

18 Order approving the repayment schedule and initiating

19 a proceeding to determine repayment liability.

20 Is there any discussion?

21 (No response.)

22 Any objections?

1 (No response.)

2 Hearing none, the Order is entered.

3 Item 8 is Docket No. 10-0138. This

4 matter concerns the second application of rehearing

5 filed by Dominion Retail, Incorporated. ALJ Sainsot

6 recommends denying Dominion's second application for

7 rehearing.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the second application

13 for rehearing is denied.

14 Judge Wallace, are there any other

15 matters to come before the Commission today?

16 JUDGE WALLACE: No, that's all.

17 COMMISSIONER FORD: Thank you.

18 Hearing none, this meeting stands

19 adjourned.

20 (And those were all the

21 proceedings had.)

22